

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

<p>Lillian Roberts, Council 37, <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:12-CV-0046 (MAD)(DRH)</p>
<p>The New York State Law Enforcement Officers Union Council 82, <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1525 (MAD)(DRH)</p>
<p>Danny Donohue, CSEA, <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1530 (MAD)(DRH)</p>
<p>New York State Correctional Officers & Police Benevolent Association, Inc., <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1523 (MAD)(DRH)</p>

<p>The Police Benevolent Association of the New York State Troopers, Inc., <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1526 (MAD)(DRH)</p>
<p>The New York State Police Investigators Association, <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1527 (MAD)(DRH)</p>
<p>Police Benevolent Association of New York State, Inc., <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1528 (MAD)(DRH)</p>
<p>Kenneth Brynien, PEF, <i>et al.</i>,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">-against-</p> <p>The State of New York, <i>et al.</i>,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>1:11-CV-1533 (MAD)(DRH)</p>

Hyman Kuritz, UUP, <i>et al.</i> ,	
<i>Plaintiffs,</i>	1:11-CV-1529
-against-	(MAD)(DRH)
The State of New York, <i>et al.</i> ,	
<i>Defendants.</i>	

**DECLARATION OF AAG CHARLES J. QUACKENBUSH IN SUPPORT OF
DEFENDANTS' RULE 12(B) MOTION TO DISMISS**

Charles J. Quackenbush, being a duly licensed attorney in the State of New York and an Assistant Attorney General in the offices of Eric T. Schneiderman, Attorney General of the State of New York, declares, pursuant to 28 U.S.C. §1746:

1. I am an Assistant Attorney General of counsel in this matter to Eric T. Schneiderman, Attorney General of the State of New York, attorney for the defendants.
2. I make this declaration in support of defendants' motion to dismiss the above-captioned actions under Fed. R. Civ. P. Rule 12(b)(1) and 12(b)(6).
3. Provided herewith as Appendix A are copies of the New York State Supreme Court Petition/Complaint and supporting Memorandum in *RPEA v. State of New York, et al.*, Index #7586-2011.
4. Provided herewith as Appendix B is a copy of Assembly Bill A7871-2011.
5. Provided herewith as Appendix C is a copy of Assembly Bill AO2007-2011.
6. Provided herewith as Appendix D is a copy of Senate Bill S5714-2011.
7. Provided herewith as Appendix E is a copy of a January 19, 2010 NYSUT news bulletin published at http://www.nysut.org/newyorkteacher_14294.htm.

8. Provided herewith as Appendix F is a copy of the transcript of the March 2, 2011 testimony of Howard Glaser before New York State legislators.

9. Provided herewith as Appendix G are copies of transcripts of January, 2012 testimony of Robert Megna before New York State legislators.

10. Provided herewith as Appendix H is a copy of the 2011-2012 N.Y. State Budget Briefing Book.

11. Provided herewith as Appendix I is a copy of Governor Cuomo's 6/11/11 Press Release entitled "Governor Andrew Cuomo Announces Five Year Labor Agreement with Civil Service Employees Association."

12. Provided herewith as Appendix J is a copy of the Governor's June, 2011 Message of Necessity upon Assembly Bill Number 8513 and Senate Bill Number 5846.

13. Provided herewith as Appendix K are copies of public records reflecting the December 22, 2010 designation of Patricia Hite as a Deputy, and delegation of authority, by the previous Commissioner and President of Civil Service.

WHEREFORE, the State defendants respectfully submit that the plaintiffs' actions should be dismissed.

Dated: March 1, 2012
Albany, New York

s\Charles J. Quackenbush
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